

AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 1016

Introduced by Senator Wiggins

February 23, 2007

An act to amend ~~Sections 41825 and 41850 of, and to add Chapter 10 (commencing with Section 41979) to Part 2 of Division 30 of, the Section 41821 of, and to add Section 41826 to, the~~ Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1016, as amended, Wiggins. Diversion: ~~alternative compliance system. annual report.~~

The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. Those entities are required to divert, from disposal or transformation, 50% of the solid waste through source reduction, recycling, and composting subject to the element, except as specified. ~~The board is required to review each city, county, or regional agency source reduction and recycling element and household hazardous waste element at least once every 2 years and is required to issue an order of compliance, if the board finds the city, county, or regional agency has failed to implement those elements. The board, in determining whether or not to impose any penalties on a city or county for violations of specified solid waste reduction and recycling requirements imposed by the act, is required to consider whether the jurisdiction has made a good faith effort to implement its source reduction and recycling element or its household hazardous waste~~

~~element. A city, county, or regional agency is required to submit an annual report to the board summarizing its progress in reducing solid waste.~~

~~This bill would enact the Alternative Diversion Compliance System Act, and would define terms. The act would require each city, county, and regional agency to implement the diversion programs set forth in its source reduction and recycling element, as specified. The bill would require the diversion programs in the source reduction and recycling element to prevent an increase in the countywide total tonnage of solid waste disposed by the cities in a county, and unincorporated area of the county, as compared to the base tonnage year, as defined, and would require the diversion programs to be implemented to prevent that increase. The board would be required to determine the tonnage of solid waste disposed of in each county and each regional agency, at least once every 2 years to determine whether or not the county has met the requirements regarding the prevention of an increase in the tonnage of waste disposed of in that county. authorize the board, if it determines that a city or county has diverted more than 50% of solid waste from landfill disposal through source reduction, recycling, and composting activities, to instead submit once every 2 years the information required in the report. The bill would provide that if the board authorizes a city or county to submit this information once every 2 years, and either the city or county subsequently fails to divert 50% of the solid waste, or if the board rescinds the authorization, the city or county would be required to submit the report annually.~~

~~The bill would require each city, county, and regional agency to prepare an initial update of its source reduction and recycling element and the household hazardous waste element to reflect all diversion programs that the jurisdiction is implementing, based on a specified schedule. A city, county, and regional agency would also be required to prepare an initial update of its nondisposable facility element. The bill would provide a procedure for the board review of the update.~~

~~The bill would require a jurisdiction, if it determines that it needs to expand or add programs, or utilize additional nondisposal facilities, beyond those included in the initial update, to provide a programmatic or nondisposal facility update of its source reduction and recycling element and household hazardous waste element to the board, pursuant to a specified process.~~

~~A jurisdiction would be required, by September 1, 2009, and on or before September 1 every 2 years thereafter, to submit a report to the~~

board, including information regarding the implementation of the diversion programs. The bill would require the board, on and after January 1, 2009, when the board conducts a compliance review, to additionally utilize specified criteria regarding compliance with the act's waste increase prevention requirements. The board would be required, in determining whether or not to issue a compliance order, to primarily consider whether the diversion programs are being implemented and would allow the board to consider a jurisdiction's compliance with the waste increase prevention requirements only as an indication as to whether the implementation requirements have been met. The bill would also require the board to consider specified factors in determining whether or not to issue a compliance order. The board would be required to provide technical assistance and outreach to assist jurisdictions to comply with the act's requirements.

The bill would make conforming changes regarding the compliance order and related enforcement provisions. The bill would impose a state-mandated local program by imposing new duties upon local agencies:

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason:

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41821 of the Public Resources Code is
2 amended to read:
3 41821. (a) (1) ~~Each~~ Except as provided in subdivision (b) of
4 Section 41826, each year following the board's approval of a city,
5 county, or regional agency's source reduction and recycling
6 element, household hazardous waste element, and nondisposal
7 facility element, the city, county, or regional agency shall submit
8 a report to the board summarizing its progress in reducing solid
9 waste as required by Section 41780.
10 (2) The annual report shall be due on or before August 1 of the
11 year following board approval of the source reduction and recycling
12 element, the household hazardous waste element, and the

1 nondisposal facility element, and on or before August 1 in each
2 subsequent year. The information in this report shall encompass
3 the previous calendar year, January 1 to December 31, inclusive.

4 (b) Each jurisdiction's annual report to the board shall, at a
5 minimum, include the following:

6 (1) Calculations of annual disposal reduction.

7 (2) Information on the changes in waste generated or disposed
8 of due to increases or decreases in population, economics, or other
9 factors in complying with subdivision (c) of Section 41780.1.

10 (3) A summary of progress made in implementing the source
11 reduction and recycling element and the household hazardous
12 waste element. The city, county, or regional agency may also
13 include information about existing and new programs it is
14 implementing that are not part of the original or modified source
15 reduction and recycling element adopted by the jurisdiction and
16 approved by the board to achieve the diversion requirements of
17 Section 41780.

18 (4) A summary of progress made in diversion of construction
19 and demolition of waste material, including information on
20 programs and ordinances implemented by the local government
21 and quantitative data, where available.

22 (5) If the jurisdiction has been granted a time extension by the
23 board pursuant to Section ~~41820~~ 41820.5, the jurisdiction shall
24 include a summary of progress made in meeting the source
25 reduction and recycling element implementation schedule pursuant
26 to paragraph (2) of subdivision (a) of Section 41780 and complying
27 with the jurisdiction's plan of correction, prior to the expiration
28 of the time extension.

29 (6) If the jurisdiction has been granted an alternative source
30 reduction, recycling, and composting requirement pursuant to
31 Section ~~41785~~ 41786, the jurisdiction shall include a summary of
32 progress made towards meeting the alternative requirement as well
33 as an explanation of current circumstances that support the
34 continuation of the alternative requirement.

35 (7) Other information relevant to compliance with Section
36 41780.

37 (c) A jurisdiction may also include, in the report required by
38 this section, all of the following:

39 (1) Any factor that the jurisdiction believes would affect the
40 accuracy of the estimated waste disposal reduction calculation

1 provided in the report pursuant to paragraph (1) of subdivision (b)
2 to accurately reflect the changes in the amount of solid waste that
3 is actually disposed. The jurisdiction may include, but is not limited
4 to including, all of the following factors:

5 (A) Whether the jurisdiction hosts a solid waste facility.

6 (B) The effects of self-hauled waste and construction and
7 demolition waste.

8 (C) The original or subsequent base year calculation, the amount
9 of orphan waste, and the waste disposal reduction adjustment
10 methodology.

11 (2) Information regarding the programs the jurisdiction is
12 undertaking to respond to the factors specified in paragraph (1),
13 and why it is not feasible to implement programs to respond to
14 other factors that affect the amount of waste that is disposed.

15 (3) An estimate that the jurisdiction believes reflects that
16 jurisdiction's annual reduction or increase in the disposal of solid
17 waste.

18 (d) The board shall use, but is not limited to the use of, the
19 annual report in the determination of whether the jurisdiction's
20 source reduction and recycling element needs to be revised.

21 (e) (1) The board shall adopt procedures for requiring additional
22 information in a jurisdiction's annual report. The procedures shall
23 require the board to notify a jurisdiction of any additional required
24 information no later than 120 days after the board receives the
25 report from the jurisdiction.

26 (2) Paragraph (1) does not prohibit the board from making
27 additional requests for information in a timely manner. A
28 jurisdiction receiving a request for information shall respond in a
29 timely manner.

30 (f) The board shall adopt procedures for conferring with a
31 jurisdiction regarding the implementation of a diversion program
32 or changes to a jurisdiction's calculation of its annual disposal
33 reduction.

34 *SEC. 2. Section 41826 is added to the Public Resources Code,*
35 *to read:*

36 *41826. (a) The Legislature finds and declares all of the*
37 *following:*

38 *(1) The statewide diversion rate for the year 2005 is expected*
39 *to exceed 50 percent, and jurisdictions throughout the state have*

1 *set forth comprehensive arrays of programs to divert solid waste*
2 *from disposal.*

3 *(2) Adjustments to the ways in which diversion achievements*
4 *are measured and evaluated need to be implemented to simplify*
5 *the system, while improving its accuracy and adding additional*
6 *emphasis to the implementation of those diversion programs.*

7 *(3) New methods of streamlining accounting of disposal*
8 *quantification need to be examined while ensuring that the state*
9 *takes a lead role in adopting statewide strategies to divert solid*
10 *waste through source reduction, recycling, and composting.*

11 *(4) Each city or county should continue to implement diversion*
12 *programs to prevent an increase in disposal, consistent with the*
13 *waste management hierarchy specified in Section 40051 and in*
14 *accordance with the existing requirements of this division.*

15 *(b) (1) If the board determines that a city or county has diverted*
16 *more than 50 percent of solid waste from landfill disposal through*
17 *source reduction, recycling, and composting activities, the board*
18 *may authorize that city or county to submit once every 2 years the*
19 *information required in the annual report pursuant to subdivision*
20 *(b) of Section 41821. The biennial report shall be due on or before*
21 *August 1 of the subsequent year following board authorization*
22 *and shall encompass the two previous calendar years, January 1*
23 *to December 31, inclusive.*

24 *(2) If the board authorizes a city or county to submit the*
25 *information specified in paragraph (1) once every 2 years, and*
26 *either the city or county subsequently fails to divert 50 percent of*
27 *the solid waste, or if the board rescinds the authorization, the city*
28 *or county shall submit the information required pursuant to*
29 *subdivision (b) of Section 41821 annually.*

30 ~~SECTION 1. Section 41825 of the Public Resources Code is~~
31 ~~amended to read:~~

32
33
34 **All matter omitted in this version of the bill**
35 **appears in the bill as introduced in the**
36 **Senate, February 23, 2007. (JR11)**
37